

EXHIBIT 1

KANE LAW FIRM

Brad S. Kane (SBN 151547)

bkane@kanelaw.la

1154 S. Crescent Heights. Blvd.

Los Angeles, CA 90035

Tel: (323) 697-9840

Fax: (323) 571-3579

Trey Brown (SBN 314469)

trey.brown@vixenmediagroup.com

11337 Ventura Blvd.

Studio City, CA 91604

Attorneys for Defendants

VXN GROUP LLC; STRIKE 3 HOLDINGS, LLC;

GENERAL MEDIA SYSTEMS, LLC; and

MIKE MILLER

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MACKENZIE ANNE THOMA, a.k.a.
KENZIE ANNE, an individual and on
behalf of all others similarly situated,

Plaintiff,

v.

VXN GROUP LLC, a Delaware
limited liability company; STRIKE 3
HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
liability company; MIKE MILLER, an
individual; and DOES 1 to 100,
inclusive,

Defendants.

Case No. **2:23-cv-04901 WLH (AGRx)**

**SUPPLEMENTAL DECLARATION
OF TREY BROWN IN SUPPORT
OF DEFENDANTS' MOTION TO
BIFURCATE DISCOVERY**

Date: May 17, 2023

Time: 1:30 pm or later

Courtroom: 9B

Complaint Filed: April 20, 2023

Removed: June 21, 2023

**DECLARATION OF TREY BROWN IN SUPPORT OF DEFENDANTS'
MOTION TO BIFURCATE DISCOVERY**

1 I, Trey Brown, hereby declare as follows:

2 1. My name is Trey Brown. I am over the age of 18 and I am otherwise
3 competent to make this declaration.

4 2. This declaration is based on my personal knowledge and, if called
5 upon to do so, I will testify that the facts stated herein are true and accurate.

6 3. I work for VZN Group, LLC as its In-House Counsel. In that
7 capacity, I have personal knowledge of the routine manner in which VZN film
8 sets operate, including the scheduling, management, and requirements of various
9 films. Further, I have knowledge of the administrative process in which actors are
10 interviewed, vetted, and hired to perform in adult films. I understand how the
11 payments are collected from subscribers and paid out to actors for their work.

12 In my capacity as In-House Counsel for VZN, I have been intimately
13 involved in the administrative aspects of our operations.

14 I have reviewed the parties' Joint Rule 26(f) Report [**Dkt. 47**], including
15 section C.1 thereof, in which Plaintiff discusses their intended discovery requests.
16 I have also reviewed Plaintiff's Discovery requests dated October 10, 2023 in
17 connection with Plaintiff's (currently stayed) state court PAGA action currently
18 pending in Los Angeles County Superior Court (Case No. 23STCV16142), which
19 request substantially all documents VZN has produced in the last year spanning
20 every element of our business. These requests include 159 Special Interrogatories,
21 110 Requests for Production, 86 Requests for Admission, and Form
22 Interrogatories. In my view, the Plaintiff's intended discovery in this class action
23 as revealed in the Joint Rule 26(f) Report is even more expansive than discovery
24 sought by Plaintiff in her PAGA action given the extended relevant time period.

25 Below is my good-faith calculation of the financial cost to VZN as to what
26 it would cost to comply with Plaintiff's intended discovery requests, keeping in
27 mind the need to redact confidential third-party information and trade secret
28 information. Further, VZN's legal administrative staff consists of only 5 people

1 who currently work 8 hours a day on other matters so we will be forced to hire
2 and train additional support staff to respond to Plaintiff's extensive discovery
3 requests.

4 **Specifics of the Burden Concerning Discovery Requests:**

5 a) **Personnel Files:** Complying with the request to produce personnel
6 files for the entire putative class of all non-exempt California
7 employees for the last 4 years would encompass vast amounts of
8 electronic data, internal communications, HR documentation, and
9 other records. This process would require about a half-day of work to
10 collect all the documents for one actor, or 1 days' work for 2 actors,
11 including appropriate redactions of personal or proprietary
12 information. All actors' personal information is incredibly sensitive
13 as it includes age verification and private information like social
14 security numbers and addresses. Moreover, because of the actors'
15 popularity, and the nature of the industry, many are at risk of
16 individual's stalking them, or individuals who desire to harass and/or
17 hurt them because of what they do. Because of this, it is of the
18 utmost importance that we carefully guard their privacy.

19 b) Within the putative class, there are approximately 400 actors.
20 Therefore, it would take approximately 200 workdays to comply
21 with this request alone. Since collection of these documents requires
22 moderately skilled labor, the labor costs for a seasoned legal
23 assistant or paralegal can be approximated at \$50 per hour. For an 8-
24 hour workday, the cost to collect documentation related solely to
25 actors would cost approximately: 200 days x 8-hour days x \$50/hr =
26 \$80,000.

27 c) **Shoot Information:** Documents film shoots involving members of
28 the putative class span multiple departments. Moreover, during the

1 time period relevant to this class action (i.e., the past four years up to
2 the present date) there were approximately 1,226 film shoots in
3 which we would have to produce virtually every document
4 associated with every film shoot. For each film shoot, to contact and
5 review all communications by each person involved in the film shoot
6 on each day, would take at least a full day per shoot, or
7 approximately 1,226 days. 1,226 days x 8 hour days x \$50/hr =
8 \$490,400. Not only would it take an enormous amount of legal and
9 administrative time, it would also heavily burden our employees who
10 participate daily in film shoots.

11 d) **Hours Worked:** Retrieving all documents related to hours worked
12 for each class member would require sifting through electronic
13 correspondence, employee emails, text messages with performers
14 and agents, production records, multiple applications such as Uber,
15 Postmates, Smartsheet, Slack, and other documentation, timekeeping
16 systems, contracts, and other relevant records. To do this for 1,226
17 film shoots would take at least 4 hours per film shoot. This would
18 involve an estimated 4,904 hours and an associated cost of \$245,200.

19 e) **Communications Regarding Wages:** To locate all communications
20 about wages since April 20, 2019, considering the variety of
21 communication channels, negotiations that were made over the
22 course of 1,226 shoots, the various different agents involved in each
23 communication, and the number of class members, we estimate it
24 would take approximately 2 hours per film shoot. This would
25 involve an estimated 2,452 hours or 306 days at an associated cost of
26 \$19,616.

27 f) **Inconsistencies in Documentation:** Since VZN's inception in
28 January 2020, our method of documentation has varied. While

1 there's a push to standardize protocols due to this lawsuit, identifying
2 and collating relevant documents for the specified period becomes
3 challenging and time intensive. Importantly, pre-production and
4 production involves dozens of employees. To review every
5 employee's communications for 1,226 film shoots will take at least
6 40 8-hour days equaling approximately \$16,000.

7 g) **Total Estimated Burden:** Cumulatively, the rough financial and
8 logistical burden to fully comply with Plaintiff's anticipated
9 discovery requests just for additional legal assistant support for VXN
10 is estimated at \$851,216. This does not include the attorney time,
11 nor employee time, and substantial overtime costs that the company
12 will incur. Moreover, class-wide discovery will likely require
13 numerous employees to cancel holiday or vacation plans, and for the
14 company to pay for long nights and weekends of employee overtime.
15 This represents a substantial undertaking for VXN when also
16 considering potential operational disruptions.

17 I request consideration of this declaration in assessing the potential
18 prejudice to Defendants in the event the Court does not grant Defendants' Motion
19 to Bifurcate Discovery, and broader context of the challenges faced by VXN in
20 good faith compliance with Plaintiff's anticipated discovery requests.

21 I declare under penalty of perjury under the laws of the State of California
22 that the foregoing is true and correct this 3rd day of May, 2024 at Los Angeles,
23 California.

24 By: 
25 Trey Brown